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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,028	07/08/2003	Clement Meyer	0514-1050-1	6683

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EXAMINER

DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/614,028	Applicant(s) MEYER ET AL.	
	Examiner William E. Dondero	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/08/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is rendered indefinite by the limitation, "a phase of deceleration," because the time period to which this limitation refers to is unclear and not defined in the Specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe et al. (US-6035667) in view of Tanae et al. (US-5326039). Regarding Claims 13-19, Watabe et al. disclose mounting a spool 8 on a spool holding device; winding yarn onto the spool using a package drive until a full package of the yarn is obtained; guiding the yarn to be wound during winding using a package guide 7; and relaxing tension (using deflection rollers 6), continuously throughout the winding process, on a supply of yarn 5 to the spool. Due to the continuous tension control,

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Watabe et al. disclose relaxing tension when a full package is stopping rotation (Claim 13); during a phase of deceleration of the full package (Claim 14); upon total stoppage of the full package (Claim 15); after total stopping of the full package (Claim 16); during stopping of winding, before removing the full package (Claim 17); during stopping of the winding, during removal of the full package (Claim 18); and during stopping of winding, immediately after removal of the full package (Claim 19). Watabe et al. is silent about removing the full package from the spool holding device and repeating the steps with a new spool (Figure 1). However, Tanae et al. disclose a device 53 for automatically supplying a winding station with spools, removing the full package and replacing it with a new spool, and repeating the winding process with the new spool (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the removal, replacement, repetition of winding process steps as taught by Tanae et al. to the process steps of Watabe et al. to reduce labor costs by using the automated process. Regarding Claim 20, Watabe et al. disclose the relaxing tension is carried out (at 6) upstream in a direction of winding of the winding station (Figure 1).

Regarding Claim 22, Watabe et al. disclose winding yarn 5 onto a spool 8 until a full package of yarn is obtained; and relaxing tension on a supply of yarn when a full package is stopping rotation (by deflection rollers 6) (Figure 1). Watabe is silent about relaxing tension only when a full package is stopping rotation; removing the full package from a spool holding device; cutting the yarn to separate the full package from a supply of yarn; and repeating the process with a new spool. However, Tanae et al. disclose a device 53 for automatically supplying a winding station with spools, cutting the yarn to

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separate the full package from the supply yarn, removing the full package and replacing it with a new spool, and repeating the winding process with the new spool (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the cutting, removal, replacement, repetition of winding process steps as taught by Tanae et al. to the process steps of Watabe et al. to reduce labor costs by using the automated process. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to relax the tension only when a full package is stopping rotation because during winding the tension must be kept to taut ensure a nice, clean wound package for downstream processing.

Regarding Claim 23, Watabe et al. disclose winding yarn 5 onto a spool 8 until substantially a full package is on the spool; and relaxing tension on a supply of yarn to the spool (by deflection rollers 6) (Figure 1). Watabe is silent about decelerating the spool, removing the full package from a spool holding device; and repeating the process steps with new spool. However, Tanae et al. disclose a device 53 for automatically supplying a winding station with spools, decelerating the full package, removing the full package and replacing it with a new spool, and repeating the winding process with the new spool (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the decelerating, removal, replacement, repetition of winding process steps as taught by Tanae et al. to the process steps of Watabe et al. to reduce labor costs by using the automated process.

Allowable Subject Matter

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

With respect to Applicants' arguments starting on page 8, line 6 to page 9, line 6, applicants argue Watabe et al. and Tanae et al. combination does not disclose winding yarn onto a spool to obtain a full package of yarn and then relaxing tension when the full package is stopping rotation. Applicants' arguments are not commensurate with the claims as there is not positively recited order to the steps in Claims 13, 22, and 23. However, as stated in applicants' arguments, see page 8, lines 18-20, Watabe discloses relaxing tension continuously, and therefore, would disclose relaxing tension at any time during the winding process including the times including those in Claims 13-19 and 22-23.

With respect to Applicants' arguments starting on page 9, line 7 to page 9, line 18, applicants argue Watabe et al. do not discloses relaxing tension only when a full package is stopping rotation. Applicants' arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection necessitated by the addition of the limitation, "relaxing tension on a supply of yarn to the spool only when a full package is stopping rotation" (step (b)). However, as mentioned above, as stated in applicants' arguments, see page 8, lines 18-20, Watabe discloses relaxing tension continuously, and therefore, would disclose relaxing tension at any time during the winding process including the times including those in Claims 13-19 and 22-23.

With respect to Applicants' arguments starting on page 10, line 1 to page 9, line 18, applicants argue Watabe et al. do not disclose decelerating a spool having a substantially full package of yarn thereon while relaxing tension on a supply of yarn to the spool. Applicants' arguments with respect to claim 23 have been considered but are moot in view of the new ground(s) of rejection necessitated by the addition of the limitation, "decelerating a spool having a substantially full package of yarn thereon while relaxing tension on a supply of yarn to the spool" (step (b)). However, as mentioned above, as stated in applicants' arguments, see page 8, lines 18-20, Watabe discloses relaxing tension continuously, and therefore, would disclose relaxing tension at any time during the winding process including the times including those in Claims 13-19 and 22-23.

Conclusion

Applicant's amendment, as discussed above in the Response to Arguments section, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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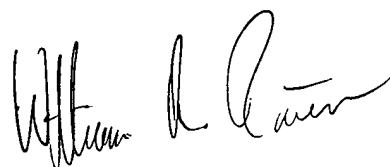
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'William A. Rivera', is written over a horizontal line.

**WILLIAM A. RIVERA
PRIMARY EXAMINER**